

THE SIXTH REGULAR MEETING OF THE THIRTY-SIXTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, MARCH 21, 2016 BY MAYOR O'DWYER

PRESENT: Steve Baker Eileen Steadman
 Jack Blanchard Daniel Terbrack
 Tina Edgar Phil O'Dwyer
 Alan Kideckel

APPROVAL OF AGENDA

Councilmember Kideckel moved to approve the Agenda.

Seconded by Councilmember Edgar.

Ayes: Blanchard, Edgar, Kideckel, Steadman, Terbrack, Baker, and O'Dwyer

Nays: None

Motion Approved.

INVOCATION Deacon Brian Carroll

CITIZENS COMMENTS

Callie Hutchison is a junior at Berkley High School; she represents Students Leading Students (SLS) and Young Optimistic & United (YOU) for Berkley High School and Tri-Community Coalition. Ms. Hutchison gave an update on the following events: Dialogue Day is an event where the students meet with thirty-five local leaders to identify issues within the community and the students are able to present action plans; and the Community Ambassador Program which helps students with public speaking, leadership skills, and gives them an opportunity to present at community meetings. Ms. Hutchison spoke briefly about fundraising events at Oak Park High School this week and Berkley High School next week to help raise funds for field trips, events, and speakers. She concluded with a message to graduating High School Seniors, "The Tri-Community Coalition will award \$2,000 in scholarships to graduating seniors who participate in the SLS and YOU youth programs; the scholarships will be presented at the Honors Convocation in May."

Bob Williams, Berkley resident at 1920 Robina, provided council with photos of sidewalks in Berkley that are in bad shape and he will be attending the upcoming budget work sessions to encourage council to start a review of these sidewalks. He would hate to see the sidewalks get into a bad condition that it would affect the impression people have in the city or the walkability of the city. Mr. Williams inquired if the sidewalks are not maintained, does it become a city liability problem or is the homeowner responsible for keeping the sidewalk in repair?

State Representative Robert Wittenberg extended an invitation for anyone interested in the following upcoming events: Income & Tax Inequality in Michigan Town Hall Meeting, Thursday, April 14th at 7 p.m. held in the Ferndale High School Auditorium; Coffee Hour, Monday, April 4th at 10:30 a.m. held in the Pleasant Ridge Community Center; and Coffee Hour, Tuesday, April 5th at 6:30 p.m. held in the Huntington Woods Parks and Recreation Center. He provided his contact information; his phone number is (517) 373-0478 and email address is robertwittenberg@house.mi.gov. State Representative Wittenberg gave a brief update that a budget has been proposed by Governor Snyder and must be submitted to Legislature for the budget process. He spoke of continued support and help with the Flint water situation and funding for the Detroit Public Schools (DPS). State Representative Wittenberg commented that public education should be our number one priority in Michigan and it needs to be funded accordingly.

Consent Agenda

Mayor Pro Tem Baker moved to approve the following Consent Agenda, seconded by Councilmember Kideckel:

APPROVAL OF THE MINUTES: Matter of approving the minutes of the regular 36th City Council meeting on Monday, February 1, 2016, Special Meeting on Friday, February 12, 2016, Special Meeting on Saturday, February 20, 2016, and Special Meeting on Wednesday, March 9, 2016.

WARRANTS: Matter of approving Warrant No. 1299 and No. 1300.

PROCLAMATION NO. P-01-16: Matter of recognizing Edward "Mort" Denell for his services in the United States Marine Corps.

PROCLAMATION NO. P-02-16: Matter of proclaiming the month of April as Child Abuse Prevention and Awareness Month.

RESOLUTION NO. R-06-16: Matter of considering the Responsible Spending of Transportation Funds in Southeast Michigan.

ORDINANCE NO. O-02-16: Matter of considering the second reading of an ordinance to rezone property described as Lot 68 of the Denler Acres Subdivision from Single Family Residential District (R-1D) to Planned Unit Development (PUD). (Full copy of this ordinance is posted for ten days at the Berkley City Hall, Library, and Community Center)

Ayes: Edgar, Kideckel, Steadman, Terbrack, Baker, Blanchard, and O'Dwyer

Nays: None

Motion Approved.

Regular Agenda

RECOGNITIONS/PRESENTATIONS:

Councilmember Blanchard read Proclamation No. P-01-16 into record.

Sue Richardson, Chairperson of the Historical Committee, recognized Maybelle Fraser as the intermediary between the Historical Committee and the Denell family. She extended an invitation for everyone to come see the exhibit which is available through the month of May. Ms. Richardson shared that the remarkable thing about the exhibit is the first person account of the war in the drawings done by Mr. Edward "Mort" Denell. It shows his soul, personality, and some humor; it has a personal touch that will appeal to all ages. The museum is open on Sundays except holiday weekends and during Berkley Days from 2 p.m. - 4 p.m.; additional hours are on Wednesdays from 10 a.m. to 1p.m. and by appointment. Ms. Richardson invites everyone to visit the museum tonight and on behalf of the Historical Committee is honored to be part of this special occasion.

Councilmember Edgar read Proclamation No. P-02-16 into record.

Mayor Pro Tem Baker read Resolution No. R-06-16 into record.

MOTION NO. M-07-16: Matter of approving Collaboration Agreement Among the City of Berkley, Vinsetta Garage Holding, LLC and Lugo Properties, LLC Concerning Creation of Off-Street Parking on Eaton Road Property.

Councilmember Kideckel moved to approve Motion No. M-07-16.

Seconded by Councilmember Blanchard.

Ayes: Kideckel, Steadman, Terbrack, Baker, Blanchard, Edgar, and O'Dwyer

Nays: None

Motion Approved.

City Attorney John Staran provided council with a PowerPoint presentation to illustrate the rezoning agreement between the City of Berkley, Lugo Properties (T-Mobile property owner), and Vinsetta Holdings (Vinsetta Garage property owner) at Woodward Avenue and Eaton Road.

MOTION NO. M-08-16: Matter of approving "Berkley Days 2016" beginning Saturday, May 7, 2016 at 9:00 a.m. and ends on Sunday, May 15th at 4:30 p.m. located at the Berkley Community Center, 2400 Robina. (see attached schedule of events)

Councilmember Steadman moved to approve Motion No. M-08-16.

Seconded by Councilmember Edgar.

Ayes: Steadman, Terbrack, Baker, Blanchard, Edgar, Kideckel, and O'Dwyer

Nays: None

Motion Approved.

Denise Brainard, Chairperson of the Berkley Days Association, announced that this is the 90th Anniversary of Berkley Days and the theme for this year is the history of Berkley. The Historical Committee will have a display and the History Day Club will share their projects to highlight the history of Berkley. Ms. Brainard reviewed the schedule of events with the City Council; the Berkley Days 10K is the second longest running 10K race in Michigan and the committee is celebrating its 39th year. She is excited to announce the "Lip Sync competition" as a new event this year and hopes to have a "Dancing with the Stars competition" scheduled for next year. On Saturday following the "12th Annual Pooch Pageant" there will be the 4-H Canine All Star Group display. On Sunday afternoon there will be two new events, a "Princess Tea" and "Super Hero Training"; tickets will be available for purchase at berkleydays.com. Ms. Brainard concluded that the Cub Scouts service to the Berkley Days event will be to provide a bike parking area and will be staffed until the midway closes at night.

MOTION NO. M-09-16: Matter of authorizing the purchase of a play structure for the Parks & Recreation Department to be installed at Angell Park at a cost not to exceed \$67,466.00 from Great Lakes Recreation Company at 480 N. Fairview Rd., Ste. 1 Zeeland, MI 49464 based upon their quotes price dated January 19, 2016. Funds for this expenditure are allocated \$33,733 to account number 101-691-974 and \$33,733 to 614-950-974-000.

Councilmember Terbrack moved to approve Motion No. M-09-16.

Seconded by Councilmember Blanchard.

Ayes: Terbrack, Baker, Blanchard, Edgar, Kideckel, Steadman, and O'Dwyer

Nays: None

Motion Approved.

Jim and Connie Kennedy, Sales Representatives from Great Lakes Recreation Company, is available to answer any questions from the City Council.

RESOLUTION NO. R-07-16: Matter of approving an amendment to the Flagstar Bank Pricing Contract for the City of Berkley to provide ACH Debit Block Fraud Prevention Maintenance Service.

Councilmember Kideckel moved to approve Resolution No. R-07-16.

Seconded by Councilmember Blanchard.

Ayes: Baker, Blanchard, Edgar, Kideckel, Steadman, Terbrack, and O'Dwyer

Nays: None

Motion Approved.

Ben Stone, Vice President and Relationship Manager of Flagstar Bank's Government Banking team, confirmed that Flagstar Bank will pay what the city authorizes to have paid and the bank will contact the city with any transactions in question; it will take two to four weeks of implementation.

MOTION NO. M-10-16: Matter of amending the City's Building Permit Fee Schedule effective May 1, 2016, outlined on attachments.

Councilmember Steadman moved to approve Motion No. M-10-16.

Seconded by Councilmember Kideckel.

Ayes: Blanchard, Edgar, Kideckel, Steadman, Terbrack, Baker, and O'Dwyer

Nays: None

Motion Approved.

MOTION NO. M-11-16: Matter of authorizing the Interim City Manager to execute a contract with Duaine Franks to serve as the City's building official.

Councilmember Kideckel moved to approve Motion No. M-11-16.

Seconded by Councilmember Steadman.

Ayes: Edgar, Kideckel, Steadman, Terbrack, Baker, Blanchard, and O'Dwyer

Nays: None

Motion Approved.

Building Inspector Duaine Franks from the Building Department is available to answer any questions from the City Council.

RESOLUTION NO. R-08-16: Matter of a resolution setting a public hearing regarding approval of amendment to and restatement of the Development Plan and Tax Increment Financing Plan of the Downtown Development Authority of the City of Berkley.

Mayor Pro Tem Baker moved to approve Resolution No. R-08-16.

Seconded by Councilmember Edgar.

Ayes: Kideckel, Steadman, Terbrack, Baker, Blanchard, Edgar, and O'Dwyer

Nays: None

Motion Approved.

MOTION NO. M-12-16: Matter of awarding the 2016 DDA District Summer Maintenance Program to Frank's Landscaping of Livonia, Michigan for a period of two (2) years-\$30,120 in year one and \$14,370 in year two.

Mayor Pro Tem Baker moved to approve Motion No. M-12-16.

Seconded by Councilmember Terbrack.

Ayes: Steadman, Terbrack, Baker, Blanchard, Edgar, Kideckel, and O'Dwyer

Nays: None

Motion Approved.

MOTION NO. M-13-16: Matter of awarding the Cross Connection Control Program to HydroCorp of Troy, Michigan for a period of three (3) years at a total annual cost of \$19,896.

Councilmember Edgar moved to approve Motion No. M-13-16.

Seconded by Councilmember Blanchard.

Ayes: Terbrack, Baker, Blanchard, Edgar, Kideckel, Steadman, and O'Dwyer

Nays: None

Motion Approved.

RESOLUTION NO. R-09-16: Matter of approving XO Communications Services, LLC for a Right-of-Way Telecommunications Permit.

Mayor Pro Tem Baker moved to approve Resolution No. R-09-16.

Seconded by Councilmember Edgar.

Ayes: Baker, Blanchard, Edgar, Kideckel, Steadman, Terbrack, and O'Dwyer

Nays: None

Motion Approved.

RESOLUTION NO. R-10-16: Matter of authorizing amendment of the 2015/2016 Operating Budget – those Operating Funds as presented.

Councilmember Kideckel moved to approve Resolution No. R-10-16.

Seconded by Mayor Pro Tem Baker.

Ayes: Blanchard, Edgar, Kideckel, Steadman, Terbrack, Baker, and O'Dwyer

Nays: None

Motion Approved.

COMMUNICATIONS:

COUNCILMEMBER EDGAR: thanked State Representative Robert Wittenberg for attending tonight's council meeting and providing council with updates from Lansing. She was touched by Edward "Mort" Denell's family; and commented on Mr. Denell's remarkable and moving life achievement. Councilmember Edgar thanked Denise Brainard and Berkley Days Association for all their hard work with the Berkley Days event.

COUNCILMEMBER KIDECKEL: announced that the Zoning Board of Appeals (ZBA) has a vacancy for an alternate member; anyone interested may contact the Clerk's Office. He thanked the City Clerk, her staff and all the volunteers for a successful Presidential Primary election. Councilmember Kideckel attended a seminar in Frankenmuth and plans to attend the Capital Conference with his colleagues in Lansing which is hosted by the Michigan Municipal League (MML). He commented on the successful event this past Saturday for the Breakfast with the Bunny. Councilmember Kideckel sends his condolences to Diane and the Goodcourage family for the passing of Dennis J. Goodcourage (brother of Dale Goodcourage). He sends his condolences to the Moses family for the passing of Harold Moses (father of Mitchell Moses). Councilmember Kideckel wished everyone a Happy Easter.

COUNCILMEMBER TERBRACK: wished everyone a Happy Easter. He commented on the successful event this past Saturday for the Breakfast with the Bunny. He encouraged everyone to visit the Berkley Parks and Recreation Facebook for updates on all events; photos from the Breakfast with the Bunny have been posted.

MAYOR PRO TEM BAKER: thanked the Historical Committee for all their hard work and the Denell family for sharing their memories. He invites everyone to visit the Historical Museum after the council meeting to see the Edward "Mort" Denell exhibit. Mayor Pro Tem Baker extended an invitation for the following Town Hall meetings for Regional Transit Authority (RTA), and Michigan Department of Transportation (MDOT): Tuesday, March 29th at Detroit; Wednesday, March 30th at Mt. Clements; Thursday, March 31st at Ann Arbor; and Saturday, April 2nd at Pontiac. He spoke about Resolution No. R-06-16; the resolution focuses on traffic congestion and road maintenance. Mayor Pro Tem Baker concluded with a quote from educator Robert Lewin, "Too often we give children answers to remember rather than problems to solve." He shared information about the Berkley High School Bears Robotics Team and encourages the community to support them. They inspire students to

achieve their full personal potential; to assist students in developing as problem solvers, critical thinkers, and involved citizens; and to help students become aware a career path.

COUNCILMEMBER STEADMAN: gave an update on the Beautification Advisory Committee and their plans for the "First Annual Tree Walk." This event is scheduled for Saturday, April 16th at 10 a.m. and the meeting place is at the Berkley High School parking lot. Volunteers will be distributing door hanger flyers to homes missing trees in their easement. She recognized and thanked Doug Deeds for securing a donation for garden soil from Home Depot. The Beautification Advisory Committee will be replacing the tree at the bus stop on Woodward. Councilmember Steadman commented that the Edward "Mort" Denell presentation was wonderful and that Mr. Denell has a lovely family.

COUNCILMEMBER BLANCHARD: spoke about spring cleaning and encouraged everyone to recycle. Statistics show that Berkley residents only recycle at 12% of solid waste in comparison to our neighboring community Huntington Woods recycle at 38% for the year. Berkley and eleven surrounding communities are part of the Southeastern Oakland County Resource Recovery Authority (SOCCRA); they recycle 13,000 tons of solid waste per year.

ASSISTANT CITY MANAGER STRICKLAND LOVE: expressed her gratitude to the City of Berkley employees and council for all their hard work; it has been a pleasure working with everyone.

FINANCE DIRECTOR SABUDA: wished everyone a safe and Happy Easter.

CITY ATTORNEY STARAN: wished everyone a safe and Happy Easter.

MAYOR O'DWYER: gave an update on the City Manager selection and the contract agreement soon to follow. He spoke about the regional meeting with the City Council of Berkley, Oak Park, Huntington Woods, Berkley School District and Oak Park School District; this is an example of collaboration in the region. Mayor O'Dwyer spoke briefly about the Angell playground project and sidewalk repair to be further discussed at the budget work session. He talked about honoring former Mayor Pro Tem Ralph Conklin and mentioned that the Berkley Honor Guard did a fine job at the funeral service. He wished everyone a Happy Easter.

ADJOURNMENT:

Councilmember Kideckel moved to adjourn at 9:28 PM.

Seconded by Councilmember Edgar.

Ayes: Edgar, Kideckel, Steadman, Terbrack, Baker, Blanchard, and O'Dwyer

Nays: None

Motion Approved.